

A BILL

i n t i t u l e d

An Act to amend the Strata Titles Act 1985.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Strata Titles (Amendment) Act 2006.

(2) This Act comes into operation in each State on such date as may be appointed by the Minister, with the approval of the National Land Council, in relation to that State by notification in the *Gazette*, and the Minister may, with the approval of the National Land Council, appoint different dates for different provisions of this Act.

(3) This Act comes into operation in the Federal Territory of Kuala Lumpur and the Federal Territory of Putrajaya on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for different provisions of this Act.

Amendment of long title

2. The Strata Titles Act 1985 [Act 318], which in this Act is referred to as the “principal Act”, is amended in the long title by inserting after the word “building” the words “or land”.

Amendment of the preamble

3. The principal Act is amended in the preamble—

- (a) by substituting for the words “and the Federal Territory of Kuala Lumpur” the words “, the Federal Territory of Kuala Lumpur and the Federal Territory of Putrajaya”; and
- (b) by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 2

4. Section 2 of the principal Act is amended by inserting after the words “Peninsular Malaysia” the words “and the Federal Territory of Putrajaya”.

Amendment of section 4

5. Section 4 of the principal Act is amended—

- (a) by substituting for the definition of “by-laws” the following definition:
 - “by-laws”, in relation to a subdivided building or land, means the by-laws which are in operation in respect of that building or land made under section 44 and as provided for in the Third Schedule;’; and
- (b) by inserting after the definition of “by-laws” the following definition:
 - “certificate of completion and compliance” has the meaning assigned to it under section 3 of the Street, Drainage and Building Act 1974 [Act 133];’;

(c) by inserting after the definition of “certified strata plan” the following definition:

‘ “Commissioner” means the Commissioner of Buildings appointed under section 3 of the Building and Common Property (Maintenance and Management) Act 2006 [*Act*];’;

(d) by inserting after the definition of “council” the following definition:

‘ “delineation plan” means a plan showing the delineation of land parcels;’;

(e) in the definition of “Director”—

(i) by inserting after the word “State” the words “or the Federal Territory”; and

(ii) by deleting the words “and, in the case of the Federal Territory, the Land Administrator”;

(f) in the definition of “Federal Territory”, by inserting after the words “Kuala Lumpur” the words “and the Federal Territory of Putrajaya”;

(g) in the definition of “initial period”, by substituting for the word “one-third” the word “one-quarter”;

(h) by inserting after the definition of “Land Administrator” the following definition:

‘ “land parcel” means a unit which is comprised therein a subdivided land on which there is a completed building of not more than four storeys which is held under a strata title;’;

(i) in the definition of “low-cost building”, by substituting for the words “58” the words “10B”;

(j) by inserting after the definition of “low-cost building” the following definition:

‘ “managing agent” means any person or body appointed by the State Authority under subsection 10B(6) or by the Commissioner of Buildings under section 50;’;

- (k) in the definition of “management corporation”—
- (i) by inserting after the word “building” the words “or land”; and
 - (ii) by deleting the words “, 64 or 64A”;
- (l) in the definition of “management fund”, by deleting the words “, 63 or 66”;
- (m) by inserting after the definition of “management fund” the following definition:
- ‘ “Minister” means the Minister charged with the responsibility for land matters;’;
- (n) in the definition of “parcel”, by inserting after the words “separate strata title” the words “, and in relation to a subdivided land, means one of the individual units of land parcel”;
- (o) in the definition of “proprietor”, by inserting after the words “registered as the proprietor of a provisional block” the words “unless expressly provided otherwise”;
- (p) in the definition of “provisional block” in paragraph (a), by inserting after the words “or in the course of being, erected” the words “on building or land”;
- (q) by inserting after the definition of “provisional strata title” the following definition:
- ‘ “purchaser” means any person or body who purchases a parcel or who has any dealing with a licensed developer in respect of the acquisition of such parcel;’;
- (r) by inserting after the definition of “special account” the following definition:
- ‘ “special building” means any building occupied before June 1996;’;
- (s) in the definition of “special resolution”—
- (i) by inserting after the words “has been given” the words “by the management corporation or”;

- (ii) by inserting after the words “one-quarter of the membership” the words “of the management corporation”;
- (t) in the definition of “strata plan”, by inserting after the words “an approved strata plan” the words “and in the case of land parcels, includes a delineation plan”; and
- (u) in the definition of “strata roll”, by inserting after the word “building” the words “or land”.

New section 4A

6. The principal Act is amended by inserting after section 4 the following section:

“Coming into operation of the Computerization System of Strata Titles in any Land Registry

4A. (1) The Minister may, with the approval of the National Land Council, by notification in the *Gazette*, appoint a date for the coming into operation of the Computerization System of Strata Titles in any Land Registry.

(2) For the purpose of subsection (1), the term “Land Registry” means—

- (a) in the case of strata titles which are dependent on Registry titles, the office of the Registrar of Titles for the State; and
- (b) in the case of strata titles which are dependent on Land Office titles, the office of the Land Administrator for the District.

(3) Upon the coming into operation of the Computerization System of Strata Titles in any Land Registry—

- (a) the provisions of the Fifth Schedule shall apply; and
- (b) the provisions of this Act in so far as they relate to the forms of document of title, the procedure for the preparation and registration of any document of title, any dealing in parcel and any entry or endorsement of any note, memorial, or any correction

or cancellation thereof on any document of title shall be read with the modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Fifth Schedule.

(4) The Minister may, with the approval of the National Land Council, by order published in the *Gazette*, amend or substitute any of the Forms in the Fifth Schedule.

(5) Except as provided in paragraph (3)(b), all other provisions of this Act shall remain in operation and continue to be applicable to every document of title, instrument or other document prepared under the Computerization System of Strata Titles.”.

Amendment of heading of Part II

7. The heading of Part II of the principal Act is amended by inserting after the word “BUILDING” the words “OR LAND”.

Amendment of section 6

8. Section 6 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Building or land capable of being subdivided into parcels”;

(b) by substituting for subsection (1) the following subsection:

“(1) Any building having two or more storeys on alienated land held as one lot under final title (whether Registry or Land Office title) shall be capable of being subdivided into parcels; and any land on the same lot shall also be capable of being subdivided into parcels each of which is to be held under a strata title or an accessory parcel.”;

(c) by inserting after subsection (1) the following subsection:

“(1A) Any alienated land having two or more buildings held as one lot under final title (whether Registry or

Land Office title) shall be capable of being subdivided into land parcels each of which is to be held under a strata title or as an accessory parcel.”; and

- (d) in subsection (2), by inserting after the word “buildings” the words “or land”.

Amendment of section 7

9. Section 7 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the words “a building” the words “or land”;
- (b) in subsection (1), by inserting after the words “any building” the words “or land”;
- (c) in subsection (2), by inserting after the words “any building” the words “or land”; and
- (d) in subsection (3), by substituting for the words “the building has not yet been certified by the local authority to be fit for occupation or use” the words “no certificate of completion and compliance has been issued for the building”.

Substitution of section 8

10. The principal Act is amended by substituting for section 8 the following section:

“Circumstances in which it is compulsory for a proprietor to apply for subdivision of a building or land

8. (1) The proprietor of any alienated land on which there is a completed building capable of being subdivided under section 6 shall, within the period specified in subsection (2), apply in accordance with section 10 for the subdivision of the building if at any time he has sold or agreed to sell any parcel in such building to any person.

(2) The period within which the requirement of subsection (1) shall be complied with is as follows:

(a) in the case of a building completed on a date after the commencement of this subsection—

(i) if the sale of, or agreement to sell, any parcel of the building, or the first such sales or agreements, took place before that date, the period is six months from that date;

(ii) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place after that date, the period is six months from that date of the sale or agreement or the first of such sales or agreements;

(b) in the case of a building completed on a date before the commencement of this subsection—

(i) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place after that date, the period is six months from that date;

(ii) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place after that date, the period is six months from that date or six months from the date of sale or agreement or the first of such sales or agreements, whichever is the longer.

(3) In the case of any building erected on a date after the commencement of this subsection, the proprietor of any alienated land—

(a) on which there shall be completed buildings, or completed buildings and land, capable of being subdivided under subsection 6(1); or

(b) which is capable of being subdivided under subsection 6(1A),

shall, within the period specified in subsection (4) and upon the issuance of certificate of completion and compliance, apply in accordance with section 10 for the subdivision of the building into parcels, the subdivision of building and land into parcels, or the subdivision of land into parcels, whichever is applicable, if at any time he has sold or agreed to sell any parcel in such building or land to any person or body.

(4) The period within which the requirement of subsection (3) shall be complied with is as follows:

- (a) if the sale of, or agreement to sell, any parcel of the building took place before the building is erected, the period is six months from the date of erection;
- (b) if the sale of, or agreement to sell, any parcel of the building took place after the building was erected, the period is six months from the date of the sale or agreement.

(5) For the purpose of subsection (1) or (3), an application for the approval of the Director for the subdivision of a building or land shall be treated as not being in accordance with section 10 if the application is defective by reason of any material non-compliance with any of the requirements of that section pertaining to the application.

(6) The period specified in subsection (2) or (4) may, on an application made before its expiry, be extended once by the Director for any further period not exceeding three months.

(7) Where an application is not made within the period specified in subsection (2) or (4) and in the case of subsection (6) within the period of such extension granted in respect of a building or land, the original proprietor shall be guilty of an offence, and liable on conviction to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit and to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for every day during which the offence continues to be committed.

(8) For the purposes of—

- (a) subsection (2), the date on which a building is completed shall be the date on which it is certified by any local authority to be fit for occupation or use, or certified in accordance with the provisions of any written law for the time being in force; and
- (b) subsection (4), the date shall be the date on which the certificate of completion and compliance is issued by the relevant architect certifying that the construction of the building has been duly completed.”.

Amendment of section 9

11. Section 9 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the words “any building” wherever appearing the words “or land into parcels”;
- (ii) in paragraph (f), by deleting subparagraphs (iii) and (iv); and
- (iii) by substituting for paragraph (l) the following paragraph:

“(l) except for special building, that the building or land to be subdivided into parcels have been certified by the local authority to be fit for occupation or use or certified in accordance with the provisions of any written law for the time being in force.”; and

- (b) in paragraph (2)(c), by substituting for the words “building has not been certified by a public or local authority to be fit for occupation or use” the words “certificate of completion and compliance has not been issued”.

Amendment of section 10

12. Section 10 of the principal Act is amended—

(a) in the shoulder note, by inserting after the word “building” the words “or land”;

(b) in subsection (1)—

(i) by substituting for the words “the subdivision of any building shall be made in writing in Form 1” the words “subdivision of buildings or building and land, under subsection 6(1) shall be made in Form 1, and any application for the approval of the Director for the subdivision of land under subsection 6(1A) shall be made in Form 1A,”; and

(ii) in paragraph (b)—

(A) by substituting for the words “and a storey plan in respect of each storey of each building” the words “storey plan and delineation plan”;

(B) by substituting for the words “and (3)” the words “, (3) and (3A)”;

(C) by substituting for paragraph (c) the following paragraph:

“(c) the certificates of a land surveyor referred to in paragraph 9(1)(a), and Professional Architect or Professional Engineer referred to in subparagraph 9(1)(b)(i), and where applicable, the certificate of a land surveyor referred to in paragraph 9(2)(a);”;

(c) by inserting after subsection (1) the following subsection:

“(1A) For the purpose of subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan showing the proposed parcels.”;

(d) in subsection (2)—

- (i) in paragraph (b), by inserting after the words “are to be subdivided” the words “and in the case of an application for subdivision of land into land parcels, delineate the boundaries and boundary marks of the lot and the parcels showing the position of all the buildings thereon”; and
- (ii) in paragraph (c), by inserting before the word “include” the words “except for the application for subdivision of land into land parcels,”;

(e) by inserting after subsection (3) the following subsection:

“(3A) Every delineation plan shall—

- (a) specify the number of the lot and the title number of the land comprised therein, and the parcel to which the plan relates;
- (b) delineate each proposed parcel by reference to the lot boundary showing the bearing and distance of each boundary;
- (c) indicate in respect of each such parcel the number by which it is described in Form 1 or 1A, as the case may be;
- (d) specify the area of each parcel;
- (e) distinguish such parts as are not to be included in any of the parcels but are to become part of common property; and
- (f) contain such other details as may be prescribed.”;

(f) in subsection (5), by substituting for the words “and (3)” the words “, (3) and (3A)”;

(g) in subsection (6A), by substituting for paragraph (a) the following paragraph:

“(a) in lieu of the building plans mentioned in paragraph (aa) of that subsection, by plans of the building, in triplicate, certified by a Professional Architect

or by a land surveyor as having been drawn according to the actual features of the building and as truly representing those features; and”;

- (h) in subsection (9), by substituting for the words “location and storey plans” the words “location plan, storey plans and delineation plans, whichever is applicable,”; and
- (i) in subsection (10), by substituting for the provisos the following provisos:

“ Provided that no application shall be so transmitted without the issue document of title of the lot and accordingly in a case falling within subsection (7), if that document is not duly produced at the Land Office, the Land Administrator shall, if he is unable to secure its production, prepare or cause to be prepared, title in continuation (or where appropriate, a duplicate issue document of title only) under Chapter 3 of Part Ten of the National Land Code as if the circumstances were as specified in paragraph 166(1)(c) of the Code:

And provided further that where the land is held under qualified title, the final title thereto has been registered by the registering authority.”.

Amendment of section 10A

13. Section 10A of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) An application under section 10, except where it relates to a low-cost building, shall include an application for the issue of a provisional strata title for a provisional block in respect of a building, being a building capable according to subsection 6(1) of being subdivided, proposed to be, or in the course of being, erected on the lot in question:

Provided that no land shall be included in the application for the issuance of a provisional strata title for the provisional block.”.

New section 10B

14. The principal Act is amended by inserting after section 10A the following section:

“Application for subdivision in the case of low-cost buildings

10B. (1) The State Authority may, on an application by a proprietor of any alienated land or at any time on its own motion, having regard to the location, nature of construction and the cost of the building, classify it to be a low-cost building.

(2) Without prejudice to subsection (1), the State Authority may by rules made under section 81, classify any type of building to be a low-cost building.

(3) Upon classifying any building to be a low-cost building under subsection (1) or (2), the State Authority shall issue a certificate to the proprietor of the alienated land.

(4) Upon receipt of the certificate issued by the State Authority, the proprietor of the alienated land shall apply for the subdivision of the building under section 10.

(5) No building erected in a provisional block shall be classified under subsection (1) or (2) to be a low-cost building.

(6) The State Authority may, upon an application by the management corporation or on its own motion, appoint a managing agent to exercise the powers and discharge the duties and functions of a management corporation, and any expenses incurred by the managing agent may be charged on the management fund of the management corporation.”.

Amendment of section 13

15. Section 13 of the principal Act is amended—

(a) in paragraph (1)(a), by substituting for the words “location plan and storey plans” the words “location plan, storey plans and delineation plans”;

- (b) in paragraph (2)(b), by inserting before the words “a vertical section” the words “except for land parcels,”; and
- (c) in subsection (3), by inserting after the words “as the case may be” the words “, or in the case of land parcels, the boundary shall be defined by its demarcation on the land”.

Amendment of section 14A

16. Subsection 14A(1) of the principal Act is amended—

- (a) by substituting for the word “proprietor” the words “original proprietor”; and
- (b) by substituting for the words “one thousand” and “fifty thousand” the words “five thousand” and “five hundred thousand” respectively.

Amendment of section 15

17. Section 15 of the principal Act is amended—

- (a) in subparagraph (2)(b)(i), by substituting for the words “memorials, endorsements and other entries” the words “express conditions and restrictions-in-interest”;
- (b) in subsection (4)—
 - (i) by substituting for the words “or tenancy” the words “, tenancy or any caveat”; and
 - (ii) by inserting after the words “any such lease, tenancy” the words “, caveat”;
- (c) in subsection (5), by inserting after the words “the parcels in question” the words “, and endorse or cause to be endorsed, a note of the cancellation of such caveats on the register document of title to the lot”; and
- (d) by substituting for subsection (6) the following subsection:
 - “(6) Where the Registrar is unable to ascertain to his satisfaction the caveats which affect the particular

parcels, the caveats shall remain in the register document of title to the lot:

Provided that the Registrar may at any time thereafter, if it can be ascertained to his satisfaction that any of such caveats relate to particular parcels, endorse such caveats on the register documents of title to the parcels in question and endorse or cause to be endorsed, a note of the cancellation of such caveats on the register document of title to the lot.”.

Amendment of section 17

18. Section 17 of the principal Act is amended—

- (a) in subsection (1), by inserting after the words “On authenticating” the words “, if applicable,”; and
- (b) by deleting subsection (3).

Amendment of section 20

19. Section 20 of the principal Act is amended—

- (a) by substituting for subsection (1) the following subsection:

“(1) The original proprietor of a provisional strata title shall, as soon as a building in respect of that title has been completed, and a certificate of completion and compliance has been issued, but in any case within six months from the date the certificate is so issued, make an application for the approval of the Director for the issue of separate strata titles to the parcels in the completed building.”; and

- (b) in subsection (2), by substituting for paragraph (d) the following paragraph:

“(d) a certificate of completion and compliance;”.

Amendment of section 22B

20. Subsection 22B(1) of the principal Act is amended by substituting for the words “one thousand” and “fifty thousand” the words “five thousand” and “five hundred thousand” respectively.

Amendment of section 37

21. Section 37 of the principal Act is amended by deleting subsection (2).

Amendment of section 39

22. Section 39 of the principal Act is amended in subsections (1) and (2) by inserting after the words “subdivided building” the words “or land”.

Amendment of section 40

23. Section 40 of the principal Act is amended—

(a) in the shoulder note, by inserting after the word “Restrictions” the words “and responsibilities”;

(b) in paragraph (1)(a), by deleting the words “, add to or repeal”; and

(c) by inserting after subsection (2) the following subsections:

“(3) The management corporation shall prepare proper accounts under its name relating to all monies of the corporation with regard to its income and expenditure during the initial period.

(4) The accounts of the management corporation shall be audited by a registered auditor appointed by the original proprietor and the audited accounts shall be presented to the Commissioner.

(5) On an application made by a parcel proprietor, the Commissioner may make available the audited accounts for inspection at all reasonable times.”.

New section 40A

24. The principal Act is amended by inserting after section 40 the following section:

“Transfer of ownership of strata titles

40A. (1) Any original proprietor or any person or body appointed by a court of competent jurisdiction shall execute the transfer of strata titles to the parcel proprietors within twelve months from the date of issue of strata titles by the Land Administrator or any extended period approved by the Director upon the opening of the strata register.

(2) Any purchaser shall execute complete documents of transfer of strata titles within twelve months or any extended period approved by the Director from the date of notice of transfer of strata titles issued by the original proprietor or from the date of purchase of the parcel, whichever is the later.

(3) Any original proprietor or any person or body appointed by a court of competent jurisdiction or any purchaser who fails to comply with subsection (1) or (2) shall be guilty of an offence and liable on conviction to a fine of not less than one thousand ringgit and not more than ten thousand ringgit per parcel.”.

Amendment of section 41

25. Section 41 of the principal Act is amended—

(a) in subsection (2), by substituting for the words “one thousand ringgit” the words “twenty-five thousand ringgit and to a further fine not exceeding two thousand ringgit for each day the offence continues to be committed”;

(b) in subsection (3)—

(i) by substituting for the word “Director” wherever appearing the word “Commissioner”; and

- (ii) by substituting for the words “management corporation” appearing before the words “, a proprietor or chargee of a parcel,” the word “purchasers”;
- (c) in subsection (5)—
- (i) in paragraph (c), by deleting the words “; and” at the end of that paragraph; and
 - (ii) in paragraph (d)—
 - (A) by deleting the words “, add to or repeal”;
 - (B) by substituting for the word “by-laws” the words “additional by-laws”; and
 - (C) by substituting for the full stop the words “; and”; and
- (d) by inserting after paragraph (d) the following paragraph:
- “(e) to present the audited accounts of the management corporation.”.

Substitution of section 41A

26. The principal Act is amended by substituting for section 41A the following section:

“Determination of contributions payable during initial period

41A. (1) Where the first annual general meeting of a management corporation has not yet been convened, the proprietor of the parcels or provisional blocks, if any, in the subdivided building or land, whichever is applicable shall, commencing from the opening of the book of the strata register, pay to the management corporation any sum determined by the original proprietor as the contributions payable by the proprietors to the management fund of the management corporation.

(2) Any proprietor who is not satisfied with the sum determined under subsection (1) may apply to the Commissioner for a review and the Commissioner may—

- (a) determine the sum; or
- (b) instruct the original proprietor to appoint a registered property manager to recommend the sum payable and submit a copy of a report to the Commissioner for his approval and the Commissioner shall determine the sum payable as he thinks just and reasonable.

(3) The sum determined by the Commissioner pursuant to paragraph (2)(a) or (b) shall be the amount deemed to be the amount determined by the management corporation as the contributions payable by the proprietors to the management corporation.”.

Amendment of section 43

27. Subsection 43(1) of the principal Act is amended—

(a) in paragraphs (b), (c), (e) and (g) by inserting after the word “building” the words “or land”;

(b) in paragraph (i)—

(i) by inserting after the word “building” the words “or land”; and

(ii) by substituting for the words “; and” at the end of the paragraph a full stop; and

(c) by deleting paragraph (j).

Amendment of section 44

28. Section 44 of the principal Act is amended—

(a) in the shoulder note, by inserting after the word “building” the words “or land”;

(b) in subsections (1), (2) and (3), by inserting after the word “building” the words “or land”; and

- (c) in subsection (6), by substituting for the word “Director” the word “Commissioner”.

Amendment of section 45

- 29.** Section 45 of the principal Act is amended by substituting for subsection (6) the following subsection:

“(6) For the purposes of subsection (5), the word “proprietor” shall include—

- (a) the person for the time being receiving the rent of the parcel, whether as an agent or a trustee or a receiver, and who would receive the same if the parcel were let to a tenant; or
- (b) a purchaser to be duly registered as a proprietor.”.

Amendment of section 47

- 30.** Paragraph 47(1)(a) of the principal Act is amended by inserting after the word “building” the words “or land”.

Amendment of section 49

- 31.** Section 49 of the principal Act is amended in paragraph (1)(a) and subsection (3) by inserting after the word “building” the words “or land”.

Amendment of section 50

- 32.** Section 50 of the principal Act is amended—
- (a) by substituting for the word “Director” wherever appearing the word “Commissioner”; and
- (b) by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 53A

33. Subsection 53A(2A) of the principal Act is amended by substituting for the word “Director” wherever appearing the word “Commissioner”.

Amendment of section 55

34. Subsection 55(1) of the principal Act is amended by substituting for the word “two” the word “ten”.

Deletion of Part IX

35. The principal Act is amended by deleting Part IX.

Amendment of section 67A

36. Section 67A of the principal Act is amended—

(a) by substituting for subsections (1), (2) and (3) the following subsections:

“(1) There shall be established a Strata Titles Board to hear and determine any disputes under this Act upon an application being made by a proprietor or management corporation or any other person or body having a registered interest in a parcel.

(2) Where, pursuant to an application under subsection (1) for an order which is not included under this Part, the Board may make such order as it deems just and expedient.

(3) The Board shall consist of a President and such number of Deputy Presidents and other members who shall be appointed by the Minister.”;

(b) in subsection (4), by substituting for the words ‘State Authority’ the word “Minister”; and

(c) in subsection (5), by deleting the word “State”.

Amendment of section 67B

37. Section 67B of the principal Act is amended—

- (a) in subsection (2), by substituting for the word “Director” the word “Minister”; and
- (b) in subsection (3), by substituting for the words “State Authority” the word “Minister”.

Amendment of section 67K

38. Section 67K of the principal Act is amended—

- (a) by inserting after the words “parcel proprietor” the words “or any other person or body having a registered interest in a parcel”; and
- (b) by inserting after the word “building” the words “or land”.

Amendment of section 67L

39. Subsection 67L(3) of the principal Act is amended by substituting for the words “21” the words “twenty-eight”.

Amendment of section 67M

40. Section 67M of the principal Act is amended by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 67N

41. Section 67N of the principal Act is amended—

- (a) by inserting after the words “possession of a parcel” the words “or any other person or body having a registered interest in a parcel”; and
- (b) by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 67o

42. Section 67o of the principal Act is amended by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 67P

43. Section 67P of the principal Act is amended by inserting after the word “building” wherever appearing the words “or land”.

Amendment of section 67Q

44. Section 67Q of the principal Act is amended by inserting after the word “building” the words “or land”.

Amendment of section 67R

45. Subsection 67R(2) of the principal Act is amended by inserting after the word “building” the words “or land” .

Amendment of section 67w

46. Paragraph 67w(a) of the principal Act is amended by inserting after the word “building” the words “or land”.

Saving and transitional

47. (1) All applications or other matters pending before the appropriate Strata Titles Board under the principal Act immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be dealt with by the Board in accordance with the provisions of the principal Act as amended by this Act.

(2) All proceedings or other matters that were in the course of being heard, or had been heard but no order or decision has been

made thereon, immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

(3) Any person who, immediately before the date of coming into operation of this Act, was the President, Deputy President or other member of the Board appointed under section 67A of the principal Act shall, unless he resigns or otherwise vacates his office or his appointment is revoked, continue to hold that office on or after the date of coming into operation of this Act until the expiry of the period specified in his instrument of appointment.

Amendment of First Schedule

48. The First Schedule to the principal Act is amended—

(a) by substituting for Form 1 the following Form:

“FIRST SCHEDULE

FORMS

STRATA TITLES ACT 1985

FORM 1

[Section 10]

APPLICATION FOR SUBDIVISION OF BUILDING OR BUILDING AND LAND

To the Land Administrator.....
District of.....

I,
of.....
proprietor of the following land—

*Town/Village/Mukim.....Lot No.
Description and No. of Title.....Area.....

hereby apply for approval of the subdivision of the building/s erected thereon, *together with the issue of a provisional strata title for the provisional blocks, and subdivision of the land into land parcels as shown in the location plan attached.

2. The intended subdivision is to be into parcels,land parcels, *..... accessory parcels and provisional block/s, as specified in the appended schedule, according to the boundaries which, in relation to each storey, are shown in the*storey plan/s attached.

3. The building/s erected thereon, including any provisional block, is used for the following purposes:

4. As required by section 10 of the Strata Titles Act 1985, I now submit-

- (a) the prescribed fee of RM
- (b) three copies of the *building plans approved by the planning authority/ plans required under paragraph 10(6A)(a) for building/s to be subdivided or building/s to be subdivided which relates to land parcel/s, *and for building/s which relates to provisional block/s;
- (c) the location plan conforming to subsection 10(2) *and paragraph 10A(2)(b) and duly certified by a land surveyor;
- (d) the..... storey plan/s conforming to subsection 10(3) *and subsection 10A(2) and duly certified by a land surveyor;
- (e) the..... delineation plan conforming to subsection 10(3A) and duly certified by a land surveyor;
- (f) two additional copies of the location plan and each of the storey plans;
- (g) three copies of the certified plan as required under paragraph 10(1)(cb);
- (h) the certificates of the land surveyor, a Professional Architect or Professional Engineer, as required under paragraph 10(1)(c);
- (i) the permit/s under section 75A of the National Land Code, as required under paragraph 10(1)(ca);
- (j) the certificate of a Professional Architect or land surveyor, as required under paragraph 10(6A)(a);
- (k) a letter of consent from each of the following person whose consent in writing is required for the particular reasons specified in each such letter:
 - (1)
 - (2)
 - (3); and
- (l) the issue document of title to the lot.

*5. I undertake that the construction of each building to which a provisional block relates will be completed by the following dates:

<i>Provisional Block</i>	<i>Date</i>
P1	
P2	
etc.,	

Dated this day of 20

.....
Signature of Proprietor of Lot

For Official Use Only

A. To the Director of Lands and Mines.

- (1) Issue document of title enclosed.
- (2) Rent for current year paid.

Land Administrator:

B. To Director of Survey.

Application approved.

Director of Lands and Mines:

(To be appended in as many sheets as are necessary)

SCHEDULE OF PARCELS AND PROVISIONAL BLOCKS (IF ANY)

	Building/ Provisional Block	List of storeys in each building	List of parcels in each building	Share units of each parcel/ provisional block
	(1)	(2)	(3)	(4)
Use M1, M2, etc., to denote completed buildings	BUILDING/S M1... ..	Storey No.....	Parcel..... Parcel..... Parcel.....	..... ..... .....

		Storey No.....	Parcel..... Parcel..... Parcel.....	..... ..... .....
	M2	Storey No.....	Parcel..... Parcel..... Parcel.....	..... ..... .....
	LAND PARCELS	Storey No.....	Parcel..... Parcel..... Parcel.....	..... ..... .....
Use L1, L2, etc., to denote land parcels	L1 L2 ... ..			...............
	PROVISIONAL BLOCK/S			
Use P1, P2, etc., to denote provisional blocks	P1 P2 ... ..			...............
			Total	-----

LIST OF ACCESSORY PARCELS

+Accessory Parcel	++Location of Accessory Parcel	Parcel to which Accessory Parcel is Appurtenant

- * Delete whichever is inappropriate
- + For purposes of identifying an accessory parcel, prefix the letter A to the number of the accessory parcel
- ++ If the accessory parcel is located within a building, indicate the location by reference to the building number and storey number

EXPLANATORY NOTE:

The consent in writing is required of every person or body entitled to the benefit of—

- (i) a lease of the whole or any part of the land other than a part corresponding precisely to, or included wholly within, one of the intended parcels;
- (ii) a charge of the land, or of lease as specified in (i); and
- (iii) a lien over the land, or over a lease as specified in (i)”;

(b) by inserting after Form 1 the following Form:

“STRATA TITLES ACT 1985

FORM 1A

[Section 10]

APPLICATION FOR SUBDIVISION OF LAND

To the Land Administrator.....
 District of.....
 I,
 of.....
 proprietor of the following land—

*Town/Village/Mukim.....Lot No.....

Description and No. of Title.....Area.....

hereby apply for approval of the subdivision of the land into land parcels as shown in the delineation plan attached.

2. The land is to be subdivided into..... parcels according to the boundaries which, in relation to each parcel, are shown in the delineation plan attached.

3. The buildings erected thereon, are used for the following purposes:
.....

4. As required by section 10 of the Strata Titles Act 1985, I now submit—

- (a) the prescribed fee of RM
- (b) three copies of the building plans approved by the planning authority;
- (c) three copies of the location plan conforming to subsection 10(2) and duly certified by a land surveyor;
- (d) three copies of the delineation plan conforming to subsection 10(3A) and duly certified by the land surveyor;
- (e) three copies of the certified plan of the land required under paragraph 10(1)(cb);

Bill

(f) the certificates of a land surveyor, Professional Architect or Professional Engineer, as required under paragraph 10(1)(c);

(g) a letter of consent from each of the following person whose consent in writing is required for the particular reasons specified in each such letter:

- (1).....
- (2).....
- (3).....; and

(h) the issue document of title to the lot.

Dated this.....day of.....20.....

.....
Signature of Proprietor of Lot

For Official Use Only

A. To the Director of Lands and Mines.

- (1) Issue document of title enclosed.
- (2) Rent for current year paid.

Land Administrator:

B. To the Director of Survey.

Application approved.

Director of Lands and Mines:

(To be appended in as many sheets as are necessary)

SCHEDULE OF PARCELS

LAND PARCEL	SHARE UNITS OF EACH PARCEL
.....
.....
.....
.....
.....
.....
.....

LISTS OF ACCESSORY PARCELS

Accessory Parcel	Location of Accessory Parcel	Parcel to which Accessory Parcel is Appurtenant

* Delete whichever is inappropriate”;

(c) by substituting for Form 2 the following Form:

“STRATA TITLES ACT 1985

FORM 2

[Section 15]

STRATA REGISTER INDEX

State	:
District	:
*Town/Village/Mukim	:
Title Type	:
Title No.	:
Lot No.	:
Area	:
File Reference No.	:
Name of Management Corporation	:
Address of Management Corporation	:
Address of Service of Documents	:
Strata Register Book No.	:

SUMMARY OF CONTENTS

Building/Provisional Block/Land Parcel	Purpose	No. of Parcels	Share Units/ Provisional Share Units
Building/s			
M1
M2

Provisional Blocks/s			
P1 .. .. .	.....	.....	.....
P2 .. .. .	.....	.....	.....
Land Parcel	.....	.....	.....
Total Share Units/Provisional Share Units			

Total number of folios in certified strata plan

Title :
 Date :
 Version No. :
 Page :

DETAILED INDEX

Page No. of Title of Parcel/ Provisional Block/Land Parcel	Building/ Provisional Block/ Land Parcel	List of storeys in each building	Lists of parcels in each building/ land area of each parcel	Share units of each parcel/ provisional block/land parcel	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
	Building/s: [Use M1,M2, etc., to denote completed building]				
	M1	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	
	M2	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	
	etc., etc.		etc.		
	Provisional Block/s: [Use P1, P2, etc., to denote provisional blocks]				
	P1	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	

	P2	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel..... Total.....	..... ..... ..... .....
	Land Parcel [Use L1, L2, etc., to denote land parcel]				
	L1 ... ..	—	.....	.....
	L2 ... ..	—	.....	.....
			.....	Total.....	

Title :
 Date :
 Version No. :
 Page :

LIST OF ACCESSORY PARCELS

Accessory Parcel	Location of Accessory Parcel	Parcel to Which Accessory Parcel is Appurtenant

Title :
 Date :
 Version No. :
 Page :

* Delete whichever is inappropriate”;

(d) by substituting for Forms 4 and 4A the following Forms:

“STRATA TITLES ACT 1985

FORM 4

[Section 16]

STRATA TITLE

TITLE NO.	BUILDING NO.	STOREY NO.	PARCEL NO.
-----------	--------------	------------	------------

Rent:

Lease for the term of, terminating on

State :

District :

*Town/Village/Mukim :

Title Type :

Lot No. :

Accessory Parcel :

Share Units of Parcel :

Express Condition :

Restriction in Interest :

Plan No. :

Strata Register Book No. :

Total share units of all subdivided buildings on the land.....

The above parcel and accessory parcel/s on the land is/are held for the full term of the title by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsement and other entries. Any dealing to this strata title is subject to the restrictions and conditions as in the land title.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the share units of this parcel as specified, in relation to the total share units of all subdivided buildings on the land.

Dated this day of.....20.....

Title :.....
 Date :.....
 Version No. :.....
 Page :.....

RECORD OF MANAGEMENT CORPORATION
 RECORD OF PROPRIETORSHIP
 MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

Title :.....
 Date :.....
 Version No. :.....
 Page :.....

* Delete whichever is inappropriate

STRATA TITLES ACT 1985

FORM 4A

[Section 16]

PROVISIONAL STRATA TITLE

DEALINGS PROHIBITED

TITLE NO.	PROVISIONAL BLOCK
-----------	-------------------

Lease for the term of, terminating on

State :
 District :
 *Town/Village/Mukim :
 Title Type :
 Lot No. :
 Accessory Parcel :
 Share Units of Parcel :
 Express Condition :
 Restriction in Interest :
 Plan No. :
 Strata Register Book No. :

Total share units of all subdivided buildings on the land.....

The above provisional block on the land is held for the full term of the title by the proprietor for the time being named in the record of the proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the provisional share units to the provisional blocks as specified, in relation to the total share units of all subdivided buildings on the land.

Dealings in respect of this provisional strata title or any share or interest therein are prohibited.

Dated thisday of.....20.....

Title :.....
Date :.....
Version No. :.....
Page :.....

RECORD OF MANAGEMENT CORPORATION
RECORD OF PROPRIETORSHIP
MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

.....
Registrar

Title :.....
Date :.....
Version No. :.....
Page :.....

* Delete whichever is inappropriate"; and

(e) by substituting Form 5 the following Form:

“STRATA TITLES ACT 1985

FORM 5

[Section 20]

APPLICATION FOR THE ISSUE OF SEPARATE STRATA TITLES UPON COMPLETION OF BUILDING IN RESPECT OF A PROVISIONAL STRATA TITLE

“To the Land Administrator,

District of..... I.....of..... proprietor of provisional strata title.....on the land scheduled below, hereby apply for the issue of separate strata titles to the.....parcels in the completed building and..... accessory parcels if applicable as specified in the appended schedule, according to the boundaries which, in relation to each storey, are shown in thestorey plans attached.

2. As required by section 20 of the Strata Titles Act 1985, I now submit—

- (a) the prescribed fee of RM;
(b) a certificate of an architect or a Professional Engineer that the provisional block has been completed in accordance with the approved building plan and any approved amendments thereto;
(c) a copy of approved building plan and any approved amendments thereto;
(d) a copy of the certificate of completion and compliance;
(e) certificates by a land surveyor as required by of paragraphs 20(2)(ca) and (cb) of the Strata Titles Act 1985;
* (f) the permit/s under section 75A of the National Land Code, as required by paragraph 20(2)(ca) of the Strata Titles Act 1985;
(g) the..... storey *plan/s of the completed building duly certified by a land surveyor, together with two additional copies thereof;
(h) a statement showing the share units of the new parcels; and
(i) the issue document of provisional strata title.

Dated thisday of.....20.....

..... Signature of Proprietor

SCHEDULE

District.....
 * Town/Village/Mukim.....Lot No.....
 Description and No. of Title.....

For Official Use Only

- A. To Director of Lands and Mines.
 Issue document of provisional strata title enclosed.

Land Administrator.....

- B. To Director of Survey.
 Application approved.

Director of Lands and Mines.....

* Delete whichever is inappropriate”.

Amendment of Second Schedule

49. The Second Schedule to the principal Act is amended—

(a) in paragraph 7—

(i) in subsubparagraph (5)(a), by deleting the words
 “, if any”; and

(ii) by inserting after subparagraph (5) the following
 subparagraph:

“(5A) The council shall, within twenty-one days
 from the day of holding the annual general meeting,
 extend copies of the minutes of the meeting to all
 proprietors or display the minutes of the meeting on the
 notice board of the corporation.”;

(b) by inserting after subparagraph 13(2) the following subparagraph:

“(2A) A proxy shall not be entitled to vote except on a poll.”;

(c) in paragraph 15—

(i) by inserting after the words “attached to his parcel or provisional block” the words “and no proprietor shall be entitled to vote and to be elected to hold office at a general meeting unless all contributions to the management fund of the corporation in respect of his parcel or provisional block has been duly paid”; and

(ii) by deleting the proviso; and

(d) by substituting for the word “Director” wherever appearing the word “Commissioner”.

Amendment of Third Schedule

50. The Third Schedule to the principal Act is amended in subparagraph 2(1)(c), by inserting after the words “repair and maintain his parcel” the words “, including doors and windows”.

New Fifth Schedule

51. The principal Act is amended by inserting after the Fourth Schedule the following Schedule:

“FIFTH SCHEDULE

[Section 4A]

Interpretation

1. For the purposes of this Schedule—

“computer printed document of title” means a document of title prepared by use of a computer;

“computer printed register document of title” means a register document of title prepared by use of a computer;

“existing document of title” means a register document of title registered before the commencement of the Computerization System of Strata Titles and includes an issue document of title in respect thereof, if any;

“verification document” means a computer print-out, as in Form A showing part of the former contents and the new contents of a document of title after decision by the Registrar on any matter presented for entering into the computer printed document of title;

“entry” or “enter” in relation to any document of title, includes any endorsement, memorial, note, correction, cancellation or deletion or other entry thereon by use of computer;

“computer” means any device for storing or processing information and includes the necessary input and output and database of a computer;

“matter” means any instrument presented for registration or any order, notification, application or other document presented for entry into the register;

“Computerization System of Strata Titles’ means the procedures for the registration of strata titles, the documents required to be prepared thereby and any entry in any document of strata titles through the use of a computer. The System includes both manual and computerized procedures.

Mode of making an entry on a document of title under the Computerization System of Strata Titles

2. For the purposes of this Act, whenever an entry is required to be made on the computer printed document of title by the Registrar, it shall be taken as a requirement that –

- (a) the Registrar makes the entry by use of a computer; and
- (b) the Registrar prepares a new computer document of title and cancel and destroy the previous version of the computer printed document of titles.

Forms of documents for Registry title or Land Office title

3. For the purposes of this Act, whenever an entry is required to be made on the computer printed document of title by the Registrar it shall be taken as a requirement that—

- (a) the computer printed register document of title shall be in Form 4(κ) in respect of a parcel or in Form 4A(κ) in respect of a provisional block; and
- (b) the computer printed issue document of title shall be in the same form as Form 4(κ) or Form 4A (κ), as the case may be.

Plan for strata title to be issued separately

4. (1) The plan of the parcel or provisional block shall be issued to the proprietor in Form S(κ).

(2) The Registrar shall keep in the Land Registry a copy of the certified strata plan to which it relates as approved by the Director of Survey under paragraph 13(1)(c). The copy of the certified strata plan shall be duly authenticated under the hand and seal of the Director of Survey.

Conversion to computer printed register document of title

5. (1) Upon the coming into operation of the Computerization System of Strata Titles in a Land Registry, the Registrar shall convert the existing register documents of title to the computer printed register documents of title and shall sign and seal the same.

(2) An existing register document of title shall continue to be in operation and valid for all purposes of this Act until a computer printed register document of title is prepared and signed and sealed by the Registrar.

(3) After the conversion of an existing register document of title, the existing issue document of title in respect thereof shall continue to be in operation and valid for all purposes of this Act until the relevant computer printed issue document of title is prepared and issued to the proprietor.

(4) Any registered proprietor whose strata title comes within the jurisdiction of a Land Registry in which the Computerization System of Strata Titles is implemented may at any time apply for conversion of an existing issue document of title to a computer printed issue document of title by lodging the existing issue document of title at the said Land Registry.

(5) The Registrar may on his own accord convert any existing issue document of title without there being an application made under subparagraph (4).

(6) In respect of an existing document of title prepared under this Act, the computer printed document of title shall be prepared as in Form 2(κ), 4(κ) or 4A(κ), as the case may be.

(7) In respect of an existing document of title prepared under the previous law, the computer printed document of title shall bear the like titles with the certified strata plan.

(8) Upon the conversion of an existing document of title under the preceding subparagraphs, the Registrar shall—

- (a) make a copy of the plan from the existing register document of title to be attached as Form S(κ), and shall be duly authenticated under his hand and seal;

- (b) endorse across the face of the existing register document of title to the effect that the title in question has been converted to the computer printed register document of title; and on the making of such endorsement the existing register document of title shall be deemed to have been cancelled;
- (c) call upon the registered proprietor to take delivery of the computer printed issue document of title, provided that where the conversion is effected by the Registrar on his own accord under subparagraph (5), he shall not be obliged to deliver to the registered proprietor the computer printed issue document of title unless the existing issue document of title is produced to him; and
- (d) cancel and destroy the existing document of title when submitted to him.

Mode of preparing document of title

6. Every document of title to be prepared upon registration of strata titles or replacement of a computer printed register document of title shall, under the Computerization System of Strata Titles, be prepared by use of a computer.

Possession of a copy of strata titles

7. Where a document of title is prepared upon registration of strata title or replacement of a computer printed register document of title, the Registrar shall deliver to the registered proprietor the computer printed issue document of title.

Conclusiveness of every folio of computer printed register document of title

8. For the purposes of sections 15 to 19 of this Act, every folio of a computer printed register document of title is conclusive evidence of the particulars recorded therein.

Computer printed document of title to be kept in loose leaf

9. For the purposes of sections 15 to 19 of this Act, every computer printed document of title registered under this Act, whether upon registration of strata titles or replacement of a computer printed register document of title, shall be kept in loose leaf.

Presentation Record

10. (1) The Registrar shall maintain a record, to be called the "Presentation Record", by or through the use of a computer, in which there shall be entered a short description of every matter presented for registration or entry, as the case may be.

- (2) The Presentation Record shall consist of—
- (a) the presentation number given by the computer in respect of each matter presented;
 - (b) the date and time of presentation;
 - (c) a description of the matter;
 - (d) in the case of dealing, the name of the person presenting the matter;
 - (e) the title description of the parcel affected by the presentation; and
 - (f) a note whether the matter has been registered, endorsed or entered, as the case may be, rejected or withdrawn.

Verification document to be verified

11. (1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Part III of this Act or that any other matter shall be entered into the document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document of title under his hand and seal.

(2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer printed document of title, he shall cause the verification document to be filed.

Mode of registering instrument

12. For the purpose of section 15 of this Act, the memorial in the term set out in paragraph (2)(b) thereof shall be entered into the computer in respect of the register document of title to which the parcel or provisional block relates.

New computer printed document of title

13. Upon making the memorial in the manner provided in paragraph 12 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall cause a new computer printed register document of title and, where appropriate, a new computer printed issue document of title, to be prepared.

Conclusiveness of registration

14. Every register document of title prepared pursuant to paragraph 13 and authenticated under the hand and seal of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

Bill

STRATA TITLES ACT 1985

FORM A

[Paragraph 1 of Fifth Schedule]

VERIFICATION DOCUMENT

Verified by	Registrar
(name of Clerk)	(name of Registrar)
Signature	Signature

1. Version No:.....
2. Type of matter:.....
3. Presentation No:.....Date:..... Time:.....
4. Presenter:.....
5. No. of Titles Affected:.....
 - (a) Former Contents:.....
 - (i) *Title:.....
 - (ii) **Affected Presentation:.....
 - (iii) ***Others:.....
6. Action Taken:.....
7. New Contents:.....

*State/District/Mukim/Village/Title No./Lot No./L.O. No.

.....

(Enter as appropriate)

**Name/Presentation No./Volume/Folio/Date/Time

.....

(Enter as appropriate)

***ID Version No.—Type of Matter-Presentation No.

.....

(Enter as appropriate)

STRATA TITLES ACT 1985

FORM 2(κ)

[Subparagraph 5(6) of Fifth Schedule]

STRATA REGISTER INDEX

State :
 District :
 *Town/Village/Mukim :
 Title Type :
 Title No. :
 Lot No. :
 Area :
 File Reference No. :
 Name of Management Corporation :
 Address of Management Corporation :
 Address for Service of Documents :
 Strata Register Book No. :

SUMMARY OF CONTENTS

Building/Provisional Block/Land Parcel	Purpose	No. of Parcels	Share Units/ Provisional Share Units
Building/s			
M1
M2
Provisional Block/s			
P1
P2
Land Parcel
Total Share Units/Provisional Share Units.....			

Total number of folios in certified strata plan.....

Title :.....
 Date :.....
 Version No. :.....
 Page :.....

DETAILED INDEX

Page No. of Title of Parcel/ Provisional Block/Land Parcel	Building/ Provisional Block/ Land Parcel	List of storeys in each building	List of parcels in each building/ land area of each parcel	Share units of each parcel/ provisional block/land parcel	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
	Building/s: [Use M1, M2, etc., to denote completed building]				
	M1	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	
	M2	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	
	<i>etc., etc.</i>		<i>etc.</i>		
	Provisional Block/s: [Use P1, P2, etc., to denote provisional blocks]				
	P1	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	
	P2	Storey No. (Plan Folio No.)	Parcel..... Parcel..... Parcel.....	..... ..... ..... Total.....	

	Land Parcel [Use L1, L2, <i>etc.</i> , to denote land parcel]				
	L1 ... ..	—	.....	.....
	L2 ... ..	—	.....	.....
			
				Total.....	
			

Title :

Date :

Version No. :

Page :

LIST OF ACCESSORY PARCELS

Accessory Parcel	Location of Accessory Parcel	Parcel To Which Accessory Parcel is Appurtenant

Title :

Date :

Version No. :

Page :

STRATA TITLES ACT 1985

FORM 4(κ)

[Subparagraphs 3(a) and (b) and 5(6) of Fifth Schedule]

STRATA TITLE

TITLE NO.	BUILDING NO.	STOREY NO.	PARCEL NO.

Rent :

Lease for the term of....., terminating on

State :

District :

Town/Village/Mukim :

Title Type :

Lot No. :

Accessory Parcel :

Share Units of Parcel :

Express Condition :

Restriction in Interest :

Plan No. :

Strata Register Book No. :

Total share units of all subdivided building on the land.....

The above parcel and accessory parcel/s on the land is/are held for the full term of the title, by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries. Any dealing with this strata title is subject to the restrictions and conditions as in the land title.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the share units of this parcel as specified, in relation to the total share units of all subdivided buildings on the land.

Dated this.....day of.....20.....

Title :
 Date :
 Version No. :
 Page :

RECORD OF MANAGEMENT CORPORATION
 RECORD OF PROPRIETORSHIP
 MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

Title :
 Date :
 Version No. :
 Page :

STRATA TITLES ACT 1985

FORM 4A(K)

[Subparagraphs 3(a) and (b) and 5(6) of Fifth Schedule]

PROVISIONAL STRATA TITLE

DEALINGS PROHIBITED

TITLE NO.	PROVISIONAL BLOCK
-----------	-------------------

Rent :
 Lease for the term of, terminating on
 State :
 District :
 Town/Village/Mukim :
 Title Type :
 Lot No. :
 Accessory Parcel :
 Share Units of Parcel :
 Express Condition :
 Restriction-in-Interest :
 Plan No. :
 Strata Register Book No. :

Total share units of all subdivided building on the land.....

The above provisional block on the land is held for the full term of the title, by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the provisional share units to the provisional block as specified, in relation to the total share units of all subdivided buildings on the land.

Dealings in respect of this provisional strata title or any share or interest therein are prohibited.

Dated thisday of.....20.....

Title :
Date :
Version No. :
Page :

RECORD OF MANAGEMENT CORPORATION
RECORD OF PROPRIETORSHIP
MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

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Registrar

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STRATA TITLES ACT 1985

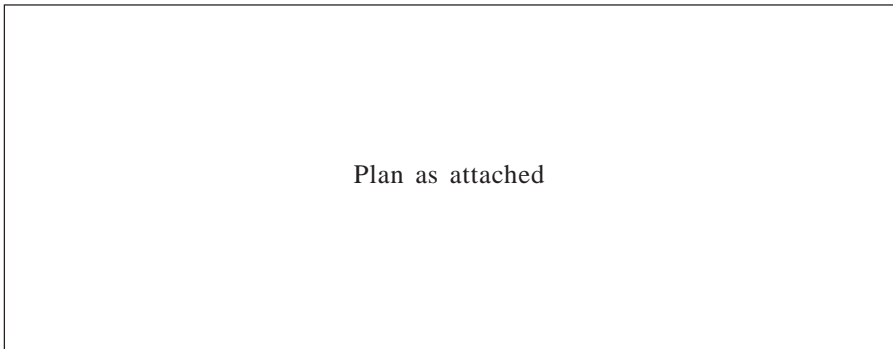
FORM S(κ)

[Subparagraph 4(1) of Fifth Schedule]

PLAN OF STRATA TITLE

I certify that the plan attached below is a true copy of the certified plan of the strata plan of the parcel/provisional block. The particulars of the parcel/provisional block are as follows:

- * Parcel/Accessory Parcel/Provisional Block No:.....
- State:.....
- District:.....
- *Town/Village/Mukim:.....
- Land Title Type:.....
- Land Title No:.....
- Lot No:.....
- Sheet No:.....
- Certified Strata Plan No:
- Scheme No:.....



Dated thisday of20.....

L.S

.....
Registrar/Land Administrator".

EXPLANATORY STATEMENT

This Bill seeks to amend the Strata Titles Act 1985 (“Act 318”).

1. *Clause 1* contains the short title. It also seeks to empower the Minister to appoint a date of coming into operation of the Act and to appoint different dates for the coming into operation of different provisions of Act 318.
2. *Clause 2* seeks to amend the long title to allow for the subdivision of land into land parcels. Before the proposed amendment, only buildings could be subdivided into parcels for the issue of strata titles but with the proposed amendment, land with buildings of not more than four storeys can also be subdivided into land parcels for the issue of strata titles.
3. *Clause 3* seeks to amend the preamble to extend the application of Act 318 to the Federal Territory of Putrajaya.
4. *Clause 5* seeks to amend section 4 of Act 318 to substitute certain definitions and to introduce new definitions.
5. *Clause 6* seeks to introduce new section 4A into Act 318. The new section 4A provides for the coming into operation of the Computerization System of Strata Titles in the Land Registry. The date is appointed by the Minister with the approval of the National Land Council.
6. *Clause 7* seeks to amend the heading of Part II of Act 318 to include the word “land”. The amendment is to enable land with buildings to be subdivided into land parcels.
7. *Clause 8* seeks to amend section 6 of Act 318 to enable multi storey buildings or two or more buildings having not more than four storeys on the same lot to be subdivided into land parcels for the issue of strata titles. Before the proposed amendment, strata titles could only be issued for multi storey buildings and single storey buildings on the same lot. The amendment will be able to meet the needs of the new housing development concept referred to as Gated Community Schemes.
8. *Clause 9* seeks to amend section 7 of Act 318 to allow the original proprietor of any alienated land where there is any building or land which is capable of being subdivided into parcels to apply for the subdivision.
9. *Clause 10* seeks to amend section 8 of Act 318 to stipulate the circumstances in which it is compulsory for an original proprietor to apply for a subdivision of a building or land within the time spelt out in subsections (2) and (4).
10. *Clause 11* seeks to amend subsection 9(1) of Act 318 to allow for an application to be made to obtain strata titles for buildings which have been classified under this Act as special buildings. These buildings have been occupied before June 1996 but applications for strata titles could not be made as either the buildings have not been issued with Certificate of Fitness for Occupation (CFO) or the building plans are lost or destroyed.

11. *Clause 12* seeks to amend section 10 of Act 318 with regard to the subdivision of building or land in consequence of the amendment of section 6 of Act 318.
12. *Clause 13* seeks to amend section 10A of Act 318 to prohibit the inclusion of land in the application for the issue of a provisional strata titles.
13. *Clause 14* seeks to introduce new section 10B into Act 318 to provide for the classification of low-cost buildings and the application for subdivision of low-cost buildings. The introduction of the new section is also related to the deletion of sections 58 to section 67 under Part IX which deal with low-cost buildings.
14. *Clause 15* seeks to amend section 13 of Act 318 which among others provide for the demarcation of the boundaries for land parcels.
15. *Clause 16* seeks to amend subsection 14A(1) of Act 318 to increase the fine which may be imposed on an original proprietor who fails to pay fees demanded pursuant to subsection 12(2) of Act 318. The proposed increase is from one thousand ringgit to five thousand ringgit whilst for a continuing offence, the fine is increased from fifty ringgit to five hundred ringgit for each day.
16. *Clause 17* seeks to amend subparagraph 15(2)(b)(i) of Act 318 to include in a statement in Form 3 all express conditions and restrictions-in-interest which appeared on the registered document of title to the lot at the time the statement was authenticated by the Registrar. The proposed amendment to subsection (4) is to state clearly that no account shall be taken of any caveat for the purposes of the statement in Form 3.
17. *Clause 19* seeks to amend section 20 of Act 318 to make it compulsory for the proprietor of a provisional strata title to apply for the issue of separate strata titles to the parcels in the completed buildings within six months after a certificate of completion and compliance is issued.
18. *Clause 20* seeks to amend section 22B of Act 318 to increase the fine for failure by the proprietor to pay any amount demanded pursuant to subsection 21(2) of the Act. The proposed increase is from one thousand ringgit to five thousand ringgit whilst for a continuing offence, the fine is increased from fifty ringgit to five hundred ringgit for each day.
19. *Clause 21* seeks to delete subsection 37(2) of Act 318 to enable parcel proprietors who are chargors to vote in general meetings of the management corporation without having to obtain an agreement from the chargees.
20. *Clause 22* seeks to amend section 39 of Act 318 to provide for the subdivision of land into land parcels.
21. *Clause 23* seeks to amend section 40 of Act 318 to require the original proprietor to submit accounts to be audited by a registered auditor appointed by the original proprietor during the initial period.

22. *Clause 24* seeks to introduce new section 40A to include provisions to ensure the original proprietors and the purchasers do not delay in executing the transfer of ownership of strata titles. Non-compliance with this section is an offence.

23. *Clause 25* seeks to amend subsection 41(2) of Act 318 to enhance the penalty which may be imposed on the original proprietor who fails to convene the first annual general meeting of the management corporation within one month after the expiration of the initial period.

This *clause* also seeks to introduce new paragraph (e) in subsection (5) regarding the presentation of the audited accounts during the annual general meeting of the management corporation.

24. *Clause 26* seeks to amend section 41A of Act 318 to empower the Commissioner to determine the amount of contributions payable by the parcel owners to the management corporation if parcel owners who are not satisfied with the amount determined to be payable as contribution to the management fund of the management corporation apply to him to review the said amount. Any amount determined by the Commissioner shall be deemed to be the amount determined by the management corporation.

25. *Clause 27* seeks to amend subsection 43(1) of Act 318 by deleting paragraph (j) to allow for the payment of annual rent on the parcels and not on the lot.

26. *Clause 28* seeks to amend subsections 44(1), (2) and (3) of Act 318 to provide for the subdivision of land into land parcels. The proposed amendment to subsection (6) seeks to require a copy of any by-laws made by the management corporation to be lodged with the Commissioner of Buildings appointed pursuant to the Building and Common Property (Maintenance and Management) Act 2006.

27. *Clause 29* seeks to amend section 45 of Act 318 to enable the contributions for the management fund to be levied on the purchasers who are not yet registered as parcel proprietors.

28. *Clauses 30 and 31* seek to amend paragraphs 47(1)(a) and 49(1)(a) and subsection 49(3) of Act 318 regarding the application of those provisions to land parcels.

29. *Clauses 32 and 33* seek to amend sections 50 and 53A of Act 318 respectively to transfer the powers of the Director to the Commissioner of Buildings.

30. *Clause 34* seeks to amend subsection 55(1) of Act 318 to increase the fine imposed for breaches under Part VII from two thousand ringgit to ten thousand ringgit.

31. *Clause 35* seeks to delete Part IX of Act 318. This Part which contains provisions on low-cost buildings are no longer relevant in view of the introduction of new section 10B.
32. *Clause 36* seeks to amend section 67A of Act 318 to empower the Strata Titles Board to hear and determine disputes. Under the proposed amendment, the Board may make an order not included under Part IXA of the Act. Currently, the existing provisions which confer powers on the Board to hear and determine disputes are limited. It is also proposed that members of the Board are appointed by the Minister instead of by the State Authority.
33. *Clause 37* seeks to amend section 67B of Act 318 in consequence of the change of the appointing authority of members to the Strata Titles Board.
34. *Clause 38* seeks to amend section 67K of Act 318 to enable any person or body having registered interest in a parcel, other than the parcel proprietor, to apply for an order from the Board to vary the rate of interest imposed by the management corporation for the late payment of a contribution.
35. *Clause 39* seeks to amend subsection 67L(3) of Act 318 to extend the period of an application for an order under subsection (1) may be made, that is from twenty-one to twenty-eight days.
36. *Clauses 40, 41, 42, 43, 44, 45 and 46* seek to amend sections 67M to 67W of Act 318 respectively to stipulate that those provisions equally apply to land parcels.
37. *Clause 47* contains saving and transitional provisions.
38. *Clauses 48, 49 and 50* seek to amend the First Schedule, the Second Schedule and the Third Schedule respectively.
39. *Clause 51* seeks to introduce a new Fifth Schedule to Act 318 that deals with matters relating to the Computerization System of Strata Titles.
40. Other amendments not specifically dealt with in this Statement are amendments which are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U²)2539]